

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM E. MONTGOMERY,	:
Plaintiff	:
v.	: Case No. 2:06-cv-182
RICHARD FINK, JOSEPH NICKLEACH,	:
SCOTT ANDREASSI, LARRY CRAWFORD,	:
JIM SCAHILL, DAVID HOGUE,	:
PATRICIA KIRKPATRICK, and MYRA	:
MILLER,	:
Defendants	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.


On November 13, 2006, the Magistrate Judge filed a Report and Recommendation, docket no. 9, recommending that the complaint be dismissed for failure to state a claim. See 28 U.S.C. § 1915A; 28 U.S.C. § 19159(e)(2)(B).

The plaintiff was notified that pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation. Plaintiff filed timely objections, docket no. 10, which I have reviewed de novo, and considered as amendments to the complaint. Although more elaborate than the complaint, the objections suffer from the same defects identified in the Report and Recommendation.

After de novo review of the record of this matter together with the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 30th day of November, 2006, it is
ORDERED that plaintiff's complaint is dismissed for
failure to state a claim. The Report and Recommendation is adopted
as the Opinion of the Court. Plaintiff's motion for a preliminary
injunction, docket no. 6, is denied as moot.

BY THE COURT:


DONETTA W. AMBROSE, CHIEF JUDGE,
UNITED STATES DISTRICT COURT

Notice by U.S. Mail to:

William E. Montgomery, 13-995
Armstrong County Jail
171 Staleys Court Road
Kittanning, PA 16201